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Mike Denson
Interim Chief of Police

January 14, 2015

To: Chief Albert Vasquez
UC Merced Police Department

From: Lt. Kevin McNiff
UCSF Police Department

Re: Administrative Investigation- OIS UC Merced

I have reviewed the following information to prepare this Administrative Investigation:

UC Merced Police Department CAD Records/ Recordings

Merced County Sheriff's Department Incident Report # 2015-0038655

Merced County Coroner's Office Report

Audiotaped recordings of Officers Lopez and [REDACTED] interviews, conducted by the Merced County Sheriff's Homicide Unit.

Administrative Interviews Detective Kelly and I conducted at the UC Merced Police Department.

UC Merced Department of Public Safety Policy Manual, Policy # 300 **Use Of Force** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 302 **Deadly Force Review** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 306 **Handcuffing and Restraints** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 310 **Officer Involved Shootings and Deaths** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 312 **Firearms** and all subsections contained within.

Investigation Summary:

On November 4, 2015, Detective Larry Robertson and I responded to the UC Merced Campus to assist in an investigation of an officer involved shooting which resulted in the death of the male suspect, later identified as Faisal Mohammad, OM 18, DOB [REDACTED] Mohammad was enrolled at UC Merced as undergraduate student. Mohammad was determined to be the lone assailant in multiple stabbings on the campus prior to having been contacted by the responding UC Merced Police Officers Olaf Lopez #434 and [REDACTED].



While driving to the UC Merced campus I received a brief description of the events in a conference call involving Lieutenant Decoloude of UC Berkeley Police Department and Captain Eric Partika of UCSF Police Department. I was advised Detectives Jack Kelly and Jonathan Caires of UC Berkeley Police Department were responding to provide additional investigative assistance.

Upon our arrival at UC Merced at approximately 1615 hours, I contacted Lieutenant Cho Her at the Incident Command Post. I was briefed on the current situation which had stabilized and we were introduced to the Merced County Sheriff Department personnel on scene. I learned the criminal investigation would be conducted by the UC Merced Police Department. The Merced County Sheriff's Department would investigate the officer involved shooting portion and we were tasked to complete the administrative investigation.

I learned both Officer Lopez and [REDACTED] were represented by a PORAC attorney, and had provided voluntary statements to Merced County Sheriff's Department Homicide Unit detectives prior to our arrival. Due to our travel time we were unable to listen to those interviews as they were being conducted. We were later provided with audio recordings of those interviews. I learned Suspect Mohammad was pronounced dead at the scene by paramedics and his remains were still contained within the crime scene. Merced County Sheriff's Department Crime Scene Investigators were processing the indoor and outdoor crime scenes where the stabbing occurred and the OIS.

At 1715 hours, Detective Robertson and I contacted Detective Sergeant Chuck Hale, Merced Sheriff's Department Homicide Unit. We attended a debrief he conducted with the sheriff's department personnel who responded to the incident. All of the sheriff's department personnel were instructed to complete detailed supplemental reports regarding their investigation/ response. I read those reports under Merced County Sheriff's Department Case # 2015-0038655 and used them in the completion of this administrative investigation.

Detective Sergeant Hale advised it appeared Officer Lopez had fired two rounds from his service pistol which had struck Mohammad in the groin area and in the chest cavity. Several eyewitnesses had been interviewed by UC Merced police officers and Merced County Sheriff's Department deputies and those witnesses had identified Mohammad as the assailant in the multiple stabbings. Merced County deputy sheriff/coroners had located a California Identification card belonging to Mohammad on the remains. The details of that information are contained in the Merced Sheriff's Department Incident Report.

Detectives Kelly and Caires arrived at UC Merced and we were then given a "walk thru" of the crime scene by Lieutenant Her.

The following is a summary of what occurred:

On 11/4/2015, Officer Olaf Lopez #434 and [REDACTED] were on duty at 0700 hours. Officer Lopez was on his final day of field training, in the shadow phase. At UC Merced, the shadow phase is described as the trainee in full uniform being "shadowed" by his [REDACTED] who was in plain clothes and who primarily observed the trainees actions.

Both Lopez and [REDACTED] were tending to a malfunctioning alarm at Kulligan Library at approximately 0700-0730 hours. Apparently, the library was having fire alarm issues and it caused continuous interruptions throughout the business day.

Sometime around 0753 hours, at the COB building directly west of the library, an assault was occurring with a suspect armed with a knife. A student Faisal Mohammad had stabbed a victim in [REDACTED] and was interrupted while exiting that room by a [REDACTED] who heard the assault taking place. As the [REDACTED] attempted to ascertain what was happening in [REDACTED] [REDACTED] was also stabbed by the same suspect.

Mohammad fled the building via the stairwell which lead out to Scholars Lane and immediately attacked two other victims, severely injuring them. UC Merced dispatch provided a partial description that was heard by both Officers Lopez and [REDACTED] UC Merced Police Department Dispatch described the suspect in the stabbings as wearing a green jacket and armed with a knife. The direction of flight was provided to the officers who began to respond from the library.

Both Officers Lopez and [REDACTED] observed Mohammad running west bound on Scholars Lane towards the bridge west of the library. He was wearing a green jacket and was coming from the area of the stabbings. Both officers gave chase on foot, quickly closing the gap. Mohammad became aware of the officers presence. Mohammad looked over his shoulder as Officers Lopez and [REDACTED] identified themselves as police officers. They both gave verbal commands to Mohammad directing him to stop running, drop the knife and get onto the ground during their initial contact with him.

Mohammad then turned and faced the officers, and according to Officer Lopez, had a large knife in his right hand. Officer Lopez stated that the suspect raised the knife up above shoulder height in a threatening manner and refused orders to drop the knife. Mohammad advanced towards both officers.

Officer Lopez stated that in fear for his life and the life of his partner, he pulled his department issued Sig Sauer .40 caliber firearm from his departmental approved holster and which was loaded with departmental issued ammunition. Officer Lopez fired one round at the suspect from a distance of about 10-15 feet. It appears that round struck Mohammad in the groin area. Officer Lopez assessed the situation and saw Mohammad partially crouch or slump down but was still advancing towards him and Officer [REDACTED] holding the large knife in his right hand. Officer Lopez fired a second round from his service pistol at Mohammad. That round was determined to have struck Mohammad in the left chest cavity. Mohammad stumbled forward towards the officers and fell face down on the concrete surface of the bridge.

Officer [REDACTED] was not armed with his service pistol or any other firearm during the incident. It was later determined he had left his service pistol in the trunk of the patrol car they had been assigned that day. Officer Lopez provided cover for

Officer [REDACTED] as he handcuffed Mohammad. Once Mohammad was handcuffed behind his back, Officer [REDACTED] rolled him over onto his back and checked him for the presence of a pulse and breathing. Officer Lopez immediately advised dispatch shots had been fired and Mohammad was in custody. He requested "Code Three Riggs" meaning the Merced County Ambulance and Paramedic Service. There was no other first aid provided by the officers to Mohammad. Paramedics from Riggs Ambulance service arrived on scene and pronounced Mohammad dead at the scene. Lt. Her arrived on scene and asked both officers public safety questions. He directed police and fire personnel. He became the incident commander.

When deputies from the Merced County Sheriff's Department arrived, Officer [REDACTED] told them there were victims of the stabbings east of their location and he then requested other ambulances to address the victims. Due to items located on Mohammad it triggered a multi-agency response including bomb disposal units, the FBI JTTF Task Force and fire department Hazmat teams.

After the "walk thru" of the scene I assigned the detectives with tasks to assist in the administrative investigation.

On November 4, 2015 at approximately 1930 hours, I requested Detective Kelly call Christina Petricca of Mastagni Holstedt Law Firm. She represented both officers during the criminal investigative interviews with Merced County Sheriff's Department. We arranged to interview Officer Lopez and [REDACTED] regarding the administrative investigation. We agreed to meet at UC Merced Police Department on November 5, 2015 at 1400 hours.

On November 5, 2015 at 1400 hours, Detective Kelly and I conducted an administrative interview with Officer Lopez. Ms. Petricca was present. The interview was conducted in accordance with POBR and audio recorded. I read Officer Lopez the Lybarger Admonishment at the request of his attorney. He then provided a statement. Officer Lopez was asked about the use of deadly force. He said he had been trained during his FTO period about the department policy. He had qualified with his duty pistol shortly after his appointment to UC Merced Police Department and assignment to the FTO program. He indicated he had prior law enforcement experience consisting of eight years with the Merced County Sheriff's Department as Deputy Sheriff.

Officer Lopez indicated he had responded to the stabbing call and spotted the suspect fleeing on foot. He said the suspect presented a clear threat to himself and Officer [REDACTED] as well as members of the public. Mohammad advanced at the officers and did not drop the knife. Officer Lopez said he feared for his life and fired one round which struck Mohammad. He stopped, assessed the situation and since Mohammad was still armed with the knife, advancing towards him, he was a threat to his life. Officer Lopez fired a second shot which struck Mohammad. Mohammad fell to the ground. He did not fire any further rounds. After Mohammad was handcuffed he requested an ambulance for him. Officer Lopez indicated he was

aware of his backdrop and fired only to stop Mohammad from advancing and hurting him. The interview was concluded and Officer Lopez and his attorney said they were willing to meet again if questions arose during the course of this investigation.

Detective Kelly and I interviewed Officer [REDACTED] at the UC Merced Police Department shortly after Officer Lopez's interview was over and he had time to consult with Ms. Petricca. The interview was audio recorded and conducted in accordance with POBR. He too was admonished per Lybarger. He provided a statement. He provided a statement consistent with Officer Lopez. He said Mohammad posed a clear danger to himself, Officer Lopez and members of the public. He said Officer Lopez discharged his firearm in defense of their lives. Officer [REDACTED] agreed to meet again if administrative questions arose during this investigation.

On November 5, 2015, I assigned Detective Jonathan Caires to attend the post mortem examination of Mohammad which was conducted at the Merced County Coroner's Office, 455 East 13th Street, Merced. The results of the autopsy and examination of the clothing worn by Mohammad are consistent with the accounts provided by Officers Lopez and [REDACTED]. Mohammad sustained two gunshot wounds and a .40 caliber round was located in the body. I will order the autopsy protocol and forensic examination reports for the detailed report to follow.

It should be noted that civilian witness statements are consistent with the officer's statements and reported actions. Mohammad was a clear danger to the officers and public.

Investigation:

On November 4, 2015 at approximately 1100 hours, I was notified of incident at the UC Merced Campus. Captain Partika notified me about a student who had stabbed [REDACTED] people on the campus earlier that morning. The suspect was confronted by responding UC Merced Police Department officers and died as a result of a fatal "officer involved shooting." I was instructed to respond to the campus with Detective Robertson per a mutual aid request made via Chief Denson. I was advised the situation was stabilized but several law enforcement agencies were still on scene conducting the investigation.

Detective Robertson and I left our campuses and drove to our residences to pick up equipment/clothing and drove to the UC Merced Campus. We were notified two detectives from UC Berkeley Police Department were being sent to the campus to assist in the investigation of the OIS. The responding detectives from UC Berkeley Police Department were Jonathan Caires and Jack Kelly.

Upon arrival at the campus at approximately 1615 hours, we responded to the Incident Command Post as directed by UC Merced Dispatch. We contacted Lieutenant Chou Her of UC Merced Police Department. Members of the FBI JTTF

were present as were members of the Merced County Sheriff's Department, California Highway Patrol and Merced Police Department. Detectives Caires and Kelly arrived and we were given an operation briefing by Lieutenant Her.

Lieutenant Her later advised me we had been assigned to conduct the Administrative Investigation. Lieutenant Her told me the request had been approved by Chief Vasquez of UC Merced Police Department, Chief Denson UCSF Police Department and Chief Bennett UC Berkeley Police Department as part of the mutual aid request/agreement. We were advised Merced County Sheriff's Department would be assisting UC Merced Police Department in the criminal investigation and would be responsible for the crime scene evidence investigation.

At 1715 hours, Detective Robertson and I were present when Detective Sergeant Hale of the Merced County Sheriff's Department Homicide Unit conducted a tactical debrief of Merced SO personnel who had responded to the campus. During that debrief each deputy and sergeant discussed what they had done at the scene. The sheriff's office personnel were directed by Detective Sergeant Hale to complete detailed reports before they went off duty. I learned the Merced County Sheriff's Department Report # was 2015-38655.

After Detectives Kelly and Caires arrived at the Incident Command Post we were all given a walk-through of the crime scenes by Lieutenant Her. Members of the Merced County Sheriff's Department CSI Team were still processing the outdoor crime scenes. Lieutenant Her walked us to Scholars Bridge. From approximately 20' away, I saw a body covered in a blue blanket still on the bridge. I then saw a hunting style fixed blade knife lying on the roadway surface near the body. I saw an expended shell casing approximately 10' from the body. There was a black backpack which was open and the contents spread out on the bridge roadway surface. The contents of the backpack appeared to be black plastic flex cuffs or zip ties, a car emergency hammer, an empty knife sheath which appeared to be the same size as the fixed blade hunting knife, and other items. Because the scene was still being measured and processed I did not get any closer to the body or the items on the bridge.

Witness Statements:

The following is a summary of the witness statements obtained by UC Merced Police Officers and Merced County Sheriff's Deputies:

[REDACTED]

[REDACTED] is a UC Merced [REDACTED] and was walking on campus during the incident. [REDACTED] explained [REDACTED] was walking from the Library building towards the Recreation Building with [REDACTED]. [REDACTED] saw Officer Lopez in uniform and [REDACTED] wearing plain clothes exit the library. [REDACTED] was approximately 20 yards away from the officers when [REDACTED] heard them shouting "stop-stop." Then [REDACTED] heard one gunshot. [REDACTED] turned and saw Officer Lopez with

his arms extended out in front of him pointing towards a male suspect (Mohammad). [REDACTED] said Mohammad started to go down to the ground and then he attempted to continue towards Officer Lopez. Officer Lopez fired a second shot and Mohammad went to the ground. [REDACTED] was interviewed and provided a statement to Merced County Sheriff Deputy Barcello # 5166. [REDACTED] statement is included in the Merced County Sheriff's Department report # 03 SHO350 (Page 35).

[REDACTED] was walking with [REDACTED] saw a male wearing a black hood run towards the uniformed police officer (Lopez). Officer Lopez fired one round at the suspect from his service pistol. [REDACTED] saw the male (Mohammad) go down and start to get up. Officer Lopez fired a second round and the male went down. [REDACTED] said [REDACTED] did not notice any weapons near the male. [REDACTED] said [REDACTED] and [REDACTED] ran off. [REDACTED] too provided a statement to Deputy Barcello # 5166. That statement is included in Merced County Sheriff's Report # 03 SHO350 (Page 35).

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] was interviewed by Deputy Sarkis # 5172, Merced County Sheriff's Department shortly after the incident. [REDACTED] said [REDACTED] saw a male running and then saw the police officer (Lopez) shoot at the male. [REDACTED] said [REDACTED] heard the officers say "get down" [REDACTED] interview is contained in Merced Sheriff's Report # 5-SHO060 prepared by Deputy Sarkis (Page 38).

[REDACTED] said [REDACTED] was with his [REDACTED] on the bridge when [REDACTED] saw the police officers chasing a male on the bridge and then shoot the male (Mohammad). [REDACTED] statement is included in Deputy Sarkis' report (Page 38).

[REDACTED] was interviewed by Deputy Plascencia # 5192. [REDACTED] said [REDACTED] was on [REDACTED] way to [REDACTED] on campus and had just exited the library. [REDACTED] saw [REDACTED] and Lopez being very observant. [REDACTED] saw numerous persons pointing towards a male who was wearing a dark hood style sweatshirt. The male had black hair and appeared to be white. The persons were saying "He's the Guy." [REDACTED] saw Officer Lopez chase after the male on foot and then heard two shots fired. [REDACTED] did not see the shooting. [REDACTED] ran to the COB Building and provided her statement to Deputy Plascencia. [REDACTED] statement is in Merced County Sheriff's Report # 02-SHO386 (Page 38).

██████████

██████████ is an ██████████ by UC Merced and the ██████████ was interviewed by Detective Sanchez # D38. Detective Sanchez obtained a taped statement from ██████████ in ██████████ office. ██████████ said at approximately 074-0745 hours, ██████████ was inside the library trying to get ██████████ key fixed so ██████████ could enter the building. ██████████ explained there had been problems with the alarm in the library building and campus police were attending to it. ██████████ approached Officer Lopez and asked about the alarm system problem. He told ██████████ it was okay to enter the library and apparently let ██████████ inside. After entering the building ██████████ was looking out of the glass windows and saw a short altercation between two males. One of the males (Mohammad) who was involved in the altercation was dressed in dark clothing and wearing a black "wetsuit type hat." The other male involved in the altercation ran towards the CB Building. The male (Mohammad) wearing the wetsuit type hat and dark clothing ran towards the Scholar Lane Bridge. ██████████ said ██████████ heard yelling and then noticed Officer Lopez running after Mohammad. ██████████ also saw ██████████ who was wearing plain clothes chasing after Mohammad on foot. ██████████ heard one officer, possibly ██████████ yelling for Mohammad to "get down on the ground" Mohammad did not comply. ██████████ then heard one gunshot followed by a second gunshot approximately 1 second later. ██████████ saw Mohammad lying on the bridge and both officers "rushed towards him." ██████████ said they were on top of him. ██████████ believes Mohammad was still moving at that time.

██████████ described herself as being in shock. ██████████ heard people yelling that people had been stabbed in the COB Building. ██████████ ran and assisted the wounded students. Detective Sanchez had ██████████ prepare a diagram describing the scene and positions of Mohammad and the police officers. ██████████ was asked if ██████████ thought the shooting was justified. ██████████ replied "Absolutely." ██████████ described Mohammad as moving towards the officers when he was shot. ██████████ was too far away to see if Mohammad had a knife or other weapon in his hand. ██████████ statement is detailed in Merced County Sheriff's Department Report # 17-SH0029 which was prepared by Detective Sanchez (Page 71).

██████████

██████████ is a ██████████ at UC Merced and was walking northbound on the Scholars Bridge. ██████████ saw a male wearing a dark colored shirt with a hood walking south towards ██████████ then saw the two police officers come out of the library. One was wearing plain clothes and the other was in uniform. ██████████ heard then shout "stop" and "turn around!" ██████████ said ██████████ continued to walk north and heard two popping noises (gunshots). ██████████ turned around and saw ██████████ on top of the male. ██████████ walked towards the COB Building and saw a ██████████ lying face down. ██████████ had been stabbed. ██████████ provided a statement to Detective Zyskowski # D86. The statement is detailed in Merced County Sheriff's Department Report # 18-SH0073 (Page 75).

[REDACTED]

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] was interviewed at the scene by Detective Zyskowski. [REDACTED] said [REDACTED] was walking east near the Recreation and Wellness Building on Scholar Lane. [REDACTED] heard yelling and saw three people on the bridge. [REDACTED] saw a police officer that [REDACTED] believed was Sergeant Gongora in uniform. It was Officer Lopez instead. [REDACTED] saw a second [REDACTED] in plain clothes. The officers were engaging a male subject wearing a hoodie style sweatshirt. The officers were facing the male subject, (Mohammad) at a distance of 8-10 feet. [REDACTED] saw Mohammad make a "lunging type motion" and close the distance between Mohammad the police officers by 2 feet. [REDACTED] saw a flash and heard two gunshots. [REDACTED] asked the officers if they were okay and if they needed assistance keeping students away from the area. [REDACTED] then assisted by advising students to stay away. [REDACTED] statement is contained in Merced County Sheriff's Department Report # 18 SH0073 (Page 75).

[REDACTED]

[REDACTED] is a [REDACTED] at UC Merced. At the time of this incident, [REDACTED] was in the area [REDACTED] around the library building. As [REDACTED] was walking to [REDACTED] car which was parked on the south side of Scholars Lane, [REDACTED] saw and heard a male yelling at two police officers. [REDACTED] described the officers as one wearing a police uniform and the other plain clothes. The man who shouted at the officers pointed at another male who was wearing a green hoodie. The officers started running after the male in the green hoodie or sweater. [REDACTED] then heard the police officers shouting three or four times for the male to stop. [REDACTED] heard the officers yell something "like drop it, two to three times. [REDACTED] saw the male subject walk towards the police officers to an approximate distance of eight feet. [REDACTED] heard yelling and then a gunshot. The male (Mohammad) buckled over and again walked towards the police officers. [REDACTED] then heard a second gunshot and the male fell face down on the bridge. [REDACTED] was approximately forty feet away when [REDACTED] witnessed the incident. [REDACTED] provided a statement which is in Merced County Sheriff's Department Report # 18 SH0073 (Page 76).

[REDACTED]

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] said [REDACTED] was walking to class east on Scholars Lane. [REDACTED] heard a construction worker say "He got me" and "what just happened." [REDACTED] at first thought the construction worker was joking around. [REDACTED] continued walking and saw Mohammad walking "pretty fast" westbound on Scholars Lane. The two men passed each other. [REDACTED] heard a construction worker yell out "He has a knife." [REDACTED] turned around and saw Mohammad stab a [REDACTED] twice in the back with a large knife. [REDACTED] heard the [REDACTED] shout "Not Me Please." [REDACTED] and another male started chasing after Mohammad. The other male was shouting that Mohammad had a knife. [REDACTED] saw a uniformed police officer and a second male wearing plain clothes exit the library. They started to chase after Mohammad. [REDACTED] was approximately 30' behind Mohammad and

the police officers. [REDACTED] heard the police officers yell "Stop" 2-3 times. [REDACTED] said the two police officers and Mohammad were in the middle of Scholars Lane Bridge. [REDACTED] estimated Mohammad was approximately 5-10' away from the police officers. Mohammad turned around and started walking towards the police officers holding the knife in his right hand. [REDACTED] saw Officer Lopez draw his firearm from his holster and fire one shot from his service pistol. The round struck Mohammad causing Mohammad to step back one step. Mohammad was still holding the knife in his right hand and raised it up. He walked towards Officer Lopez. Officer Lopez fired a second shot which struck Mohammad causing him to fall on the ground. [REDACTED] provided a taped interview to Detective Silva # D42 Merced County Sheriff's Department. Detective Silva prepared a report # 19 SH0371 (Page 80).

[REDACTED]

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] was walking towards the COB on [REDACTED] way to [REDACTED] [REDACTED] heard construction workers shouting that Mohammad had a knife and for people to get away from him. [REDACTED] described Mohammad as wearing a black and green jacket with a hood. The hood was pulled up over his head. [REDACTED] saw Mohammad running with his arms crossed in front. [REDACTED] then saw Mohammad run up behind a [REDACTED] Mohammad pulled the [REDACTED] head back and [REDACTED] saw Mohammad pull out a knife from his jacket pocket. [REDACTED] saw Mohammad slice the [REDACTED] face with the knife. Mohammad then jogged onto the Scholars Lane Bridge. [REDACTED] saw the two police officers chasing after Mohammad. [REDACTED] heard the officers yelling "stop." Mohammad stopped jogging and the officers stopped on the bridge. [REDACTED] said Officer Lopez did not draw his handgun from his holster until Mohammad displayed the knife he was holding in his hand. [REDACTED] heard Officer Lopez say "Stop, put your hands up." [REDACTED] heard Officer Lopez shout "Drop the Knife." [REDACTED] then heard two gunshots and saw Mohammad fall to the ground. [REDACTED] saw the police officers administering first aid to Mohammad. [REDACTED] said the officers' commands were clear. [REDACTED] provided a taped statement to Detective Silva # D42 Merced County Sheriff's Department. He prepared report # 19 SH0371 which contains [REDACTED] statement (Page 82).

[REDACTED]

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] arrived on campus with [REDACTED] at approximately 0730 hours. They were walking east on Scholars Lane and were on the southeast end of the bridge. [REDACTED] saw Mohammad whom [REDACTED] described as acting suspicious and wearing a black hoodie style sweatshirt and black sweatpants walking on the bridge. [REDACTED] noticed Mohammad had a black metal knife in his hand which he was attempting to conceal in his sleeve. [REDACTED] then saw two police officers exit the library. [REDACTED] described one officer in full police uniform and the other in plain clothes. The officers had exited the library. [REDACTED] heard the plain clothes [REDACTED] shout at people to stay away from the male with the knife. [REDACTED] said the officers confronted Mohammad on the bridge. [REDACTED] heard the plain clothes officer yell, "stop and get down" a couple of times. [REDACTED] then heard a gunshot and turned around. [REDACTED] saw Mohammad still standing on his feet. [REDACTED] blinked and

then heard a second gunshot and saw Mohammad lying on the ground. [REDACTED] saw the officers near Mohammad and believed they were checking him for where he had been shot. [REDACTED] provided a taped statement to Detective Silva. He prepared a supplemental report about the interview in Merced County Sheriff's Office Report # 19 SH0371 (Page 82).

[REDACTED] is a [REDACTED] at UC Merced. [REDACTED] was walking with her [REDACTED] on the Scholars Lane Bridge. [REDACTED] saw Mohammad being chased by another male who was shouting "stop get away from them." [REDACTED] then saw Mohammad whom [REDACTED] described as wearing a hoodie jacket and backpack walking west. [REDACTED] saw a uniformed police officer and a plain clothes officer exit the library and run after Mohammad. [REDACTED] then heard the police officer shout commands "stop" and "get on the ground" 2-3 times to Mohammad. [REDACTED] then turned around and saw Mohammad stop and turn around towards the officers. [REDACTED] saw Mohammad walk towards the officers. [REDACTED] said it looked like Mohammad was trying to dodge them or get through them. [REDACTED] heard one gunshot. Mohammad was still standing and [REDACTED] heard a second shot and saw Mohammad fall to the ground. [REDACTED] then saw the officers either checking Mohammad for something or rendering first aid. [REDACTED] provided a taped statement to Detective Silva. That interview is included in his supplemental report # 19 SH0371 (Page 82).

Merced County Sheriff's Department- Involved Officer Interviews

Detectives Ruiz # D97 and Detective Becerra # D31 of the Merced County Sheriff's Department conducted the criminal investigation interviews of Officer Olaf Lopez and [REDACTED]. The interviews were digitally tape recorded. The officer's interviews were conducted at the UC Merced Police Department. UC Merced Sergeant George Gongora was present during both interviews. Both officers were represented by PORAC LDF attorney Christina Petricca of Mastagni Holsteadt Law Firm.

[REDACTED]

Interview Date/ time: 11-04-2015 1203 hours

[REDACTED] explained he is assigned to patrol and was working dayshift as an FTO for Officer Olaf Lopez. Officer Lopez was in the last day of the "Shadow phase" and was due to complete the FTO program on November 4, 2015. [REDACTED] was in plain clothes as was standard practice during that shadow phase of the FTO program. [REDACTED] explained the two officers began their shift at 0700 hours. They were the only two UC Merced police officers on duty/campus at that time. At the beginning of the shift, dispatch advised them of an alarm had been activated at the library and that it had been an ongoing problem. Officer Lopez and [REDACTED] then went to the library to assist two UC Merced maintenance workers attend to the malfunctioning alarm.

Upon arrival at the library, Officer [REDACTED] said he instructed Officer Lopez to stand by an alarm control panel in the lobby (ground floor) and he would go to the third floor and attempt to reset the alarm. Officer [REDACTED] explained Officer Lopez was positioned at the ground floor alarm panel so he could quickly reset the alarm if it was triggered during the repairs. Officer [REDACTED] and the building maintenance workers tried to reset/repair the alarm.

[REDACTED] said the alarm was apparently fixed so he began to walk downstairs to meet up with Officer Lopez and advised dispatch via radio the alarm had been reset. Dispatch advised him they were receiving priority calls. [REDACTED] met up with Officer Lopez at the ground floor. He said dispatch advised there had just been a stabbing on campus and the stabbing took place in the COB building which was located nearby. Dispatch advised the suspect in the stabbing was westbound from the COB building on foot. Dispatch described him as wearing a green jacket.

[REDACTED] and Lopez exited the library and [REDACTED] noticed a male wearing a green jacket pointing out a subject. [REDACTED] then saw the suspect (Mohammad) "jogging" westbound past some concrete vehicle barriers on Scholars lane. The two officers gave chase on foot and closed the distance between them and Mohammad. [REDACTED] stated he repeatedly told Mohammad to "get down on the ground." Officer Lopez shouted "show me your hands." Mohammad stopped and turned around facing the officers. [REDACTED] stated Mohammad started to advance towards them. He the saw Mohammad was holding a knife in his hand. There was approximately 15-20' between Mohammad and the two officers. Officer Lopez fired two shots at Mohammad as he was advancing. Mohammad was struck by the rounds and fell to the ground. [REDACTED] saw the knife fall out of Mohammad's hand when he fell to the ground on the bridge. Officer Lopez continued to cover Mohammad and [REDACTED] asked Officer Lopez for his handcuffs so he could secure Mohammad's hands. [REDACTED] rolled Mohammad onto his left side to apply the handcuffs. Once [REDACTED] had handcuffed Mohammad he rolled him over onto his back and checked Mohammad for the presence of a pulse. There was no pulse present. Neither officer attempted to render any further first aid to the suspect. He did state both officers asked for an ambulance through UC Merced Police dispatch. [REDACTED] believes his radio traffic was covered by Officer Lopez's transmission. Officer Lopez advised dispatch via his portable radio, shots had been fired and the suspect was in custody. [REDACTED] used his cell phone to call Sergeant Gongora to advise him of the shooting and requested he immediately respond to the campus.

The ambulance arrived on scene and Mohammad was pronounced dead at the scene. Detective Ruiz asked [REDACTED] why he did not draw his firearm or shoot at the suspect. [REDACTED] said he did not have his handgun on his person. He said he had attended to the alarm and left the firearm in the trunk of the patrol car.

██████████ attorney Christine Perucci then asked ██████████ clarifying questions. She asked if the knife was clearly visible and ██████████ said that it was. She asked if Mohammad was close enough to throw the knife at and strike the officers. ██████████ said he was. ██████████ was asked if he feared for his and Officer Lopez's safety and he said he did. Ms. Petricca asked him if he saw any problems with the actions taken by Officer Lopez and he said "no." Detective Ruiz prepared a report # 20-SH0084 (Page 85).

Officer Olaf Lopez

Interview Date/Time: 11-04-2015 1249 hours

Officer Olaf Lopez was represented at the interview by his attorney Christine Petricca. Sergeant Gongora was also present. Detectives Ruiz and Becerra conducted the criminal investigation interview. The interview was digitally recorded. Detective Ruiz advised Officer Lopez he was free to leave at any time. Officer Lopez provided a voluntary statement to the Merced County Sheriff's Department Homicide Unit detectives.

Officer Lopez said he began his shift on 11-04-2015 at 0700 hours. He met with his ██████████ at the UC Merced Police Station. He explained he began to check his emails at the beginning of the shift. He overheard ██████████ talking to someone on the phone about an alarm at the library. At approximately 0730 hours, ██████████ and he responded to the library to assist some maintenance workers at the library who were attempting to fix the malfunctioning alarm panel. He was assigned to shut off the alarm at the ground floor control panel while ██████████ and the maintenance workers were fixing the alarm on the third floor.

As he was standing at the panel he was looking out from a window in the library, he saw a male, later identified as Mohammad jumping on the back of another ██████████ out on Scholars Lane. At first he thought the males were involved in horseplay. He then saw a ██████████ who had been standing by the two males back away and look "alarmed." He then noticed the ██████████ walk into the library yelling. He could not understand or make out what ██████████ was yelling about. At the same time UC Merced Police dispatch was advising him via radio about a stabbing that had just occurred at the COB building on campus. Dispatch advised the suspect was wearing a green jacket. ██████████ met with him on the ground floor of the library. Officer Lopez told ██████████ he had just observed the suspect running westbound towards the bridge. The two officers exited the library and began to chase after Mohammad on foot west towards the bridge. As they neared the west end of the bridge they caught up to Mohammad. Officer Lopez yelled "Hey" and observed Mohammad stop and turn around facing him. Officer Lopez said he saw Mohammad holding a black knife in his right hand. The right arm of the suspect was raised to about shoulder height. Officer Lopez said he feared for his life and drew his handgun. He pointed his handgun at Mohammad and commanded him to "put the knife down and get down on the ground."

Officer Lopez told Detective Ruiz he was aware Mohammad had stabbed someone. He was in fear for his safety and that of [REDACTED]. He said Mohammad took a step towards him while still holding onto the knife. Mohammad did not follow their commands to drop the weapon, stop or to get down onto the ground. When Mohammad started walking towards them, he fired one shot from a distance of 10'. Mohammad then took another step closer to him. He fired the second round at Mohammad. Mohammad fell to the ground on his left side and was motionless. He and [REDACTED] approached Mohammad so he could be handcuffed and taken into custody. [REDACTED] handcuffed Mohammad and searched him for weapons. He then noticed the knife Mohammad was carrying was on the ground behind his body. Officer Lopez notified dispatch shots had been fired and requested an ambulance. Detective Ruiz asked Officer Lopez if he rendered first aid to Mohammad. Officer Lopez's attorney said she would not allow him to answer that question. Officer Lopez told Detective Ruiz after the shooting he and [REDACTED] kept other students and staff away from the bridge area.

Officer Lopez was asked about his last qualification at the range and he replied September 14, 2015. He detailed how his firearm was collected and placed in a safe inside UC Merced Police Department.

Detective Becerra took photographs of the police uniform Officer Lopez was wearing during this incident. The interview of Officer Olaf Lopez is detailed in Merced County Sheriff's Department Report # 21 SH0084 (Page 88) and # 24 SH00084 (Page 93).

Examination of Involved Officer's Department Issued Handgun and safety Equipment

I reviewed the Merced County Sheriff's Department Report # 24 SH00084 which was prepared by Detective Ruiz # D97. The examination of the handgun, a Sig Sauer brand, Model # 226, Serial number U786202, which had been issued to and deployed by Officer Olaf Lopez, revealed the following findings:

The handgun was the firearm issued by UC Merced Police Department to Officer Lopez. The handgun was loaded with ammunition issued by UC Merced Police Department. The handgun had not been modified in violation of department policies. The unloading of the handgun was conducted by Detective Ruiz and photographs were taken during each step. It appears that two shots had been fired from the handgun which is consistent with Officers Lopez and [REDACTED] statements. The handgun was collected and placed into evidence at the Merced County Sheriff's Department.

Detective Ruiz examined the duty belt worn by Officer Lopez during the incident. In reviewing the report I found the equipment and extra handgun magazines on the duty belt were in compliance with department policies.

Merced County Coroner's Report- Post Mortem Examination

On November 5, 2015 at 1315 hours, Dr. Mark Super (Forensic Pathologist) of the Merced County Coroner's Office conducted a post mortem forensic examination of Faisil Mohammad's remains. The autopsy was conducted at their office. Photographs of the remains were taken and a detailed autopsy was conducted. The medical findings determined Mohammad sustained two gunshot wounds. One gunshot wound was found on the left lateral side of the chest. The wound path was determined to be in a left to right, downward and front to back direction. The bullet struck internal organs and was determined to be the cause of death. That bullet was located in the right thigh and was collected as evidence.

The second perforating gunshot wound was located in the left groin. The wound path was left to right, downward and front to back. The bullet exited Mohammad's buttock and was not contained within the remains. That bullet was not recovered.

As part of the Post Mortem examination, a toxicology screen was performed on blood and tissue samples collected from Mohammad's remains. There was no indication Mohammad was under the influence of alcohol or other narcotics.

The Coroner's Medical Findings and Post Mortem examination are consistent with the involved officer's statements, witness statements regarding the police officer's actions, Mohammad's actions and other physical evidence located at the scene.

Evidence Item Found on Mohammad

During the Post Mortem Examination, a "Manifesto" apparently prepared by Mohammad was located within his outer clothing. Detective Becerra located the document which had been folded. The document or "Manifesto" details Mohammad's plan. On the back side of the document there is the following notation *"20 If the other officer draws his gun then charge him; kill him or achieve Shahoaddah."*

This document shows Mohammad pre-planned his assault and the actions he would take if confronted by a police officer. In this incident Mohammad was confronted by Officer Lopez who had drawn his firearm. [REDACTED] and Lopez and witnesses indicated Mohammad advanced on the officers while holding the knife in a threatening manner. This document infers and supports the fact Mohammad was never going to comply with the officer's lawful commands to drop the weapon or get down on the ground. Mohammad's actions clearly showed he had no intention of submitting to arrest or dropping his weapon. A photocopy of this document can be located on page 105-106 of the Merced County Sheriff's report.

Administrative Interviews

On November 4, 2015 at approximately 1830 hours, Detective Jack Kelly, UC Berkeley Police Department at my request contacted Christina Petricca who was the PORAC LDF attorney representing [REDACTED] and Lopez. He requested to set up an administrative interview for both officers to be conducted on November 5, 2015 at the UC Merced Police Department. Ms. Petricca agreed to arrange the interviews but was hesitant about having the officers participate in a second interview as they had voluntarily provided statements to the Merced County Sheriff's Department as part of the criminal investigation. Detective Kelly explained we would review the interviews both officers provided to Merced County Sheriff investigators but wanted to ask questions in regards to administrative matters in particular Department General Orders. The interviews were then set up.

Officer Olaf Lopez

Date/Time of Administrative Interview: November 5, 2015 1400 hours.

Location: UC Merced Police Department

Personnel present: Officer Olaf Lopez, Ms. Christina Petricca of Mastagni Holsteadt Law Firm, Detective Jack Kelly- UC Berkeley Police Department and Lieutenant Kevin McNiff -UCSF Police Department

The interview was recorded via Digital Audio Recorder (DAR). All rules and procedures pursuant to the California Peace Officers Bill of Rights were followed. Prior to the interview Ms. Petricca met with Officer Lopez in a secured private location for approximately 15 minutes. At the request of Ms. Petricca we provided a list of the general questions we planned to ask during the interview.

Ms. Petricca advised us Officer Lopez would be requesting a Lybarger Warning Admonition prior to the questioning. I read the Lybarger Admonition to him. (Copy attached).

Detective Kelly asked Officer Lopez regarding his use of force. Officer Lopez said he was familiar with the UC Merced Police Department Policy # 300 "Use of Force." He said he had read it during his FTO program and again at the department required firearms qualification he completed on September 14, 2015. Officer Lopez said the policy regarding use of force was included in the range qualification.

Officer Lopez explained he contacted Mohammad on the Scholars Lane Bridge. Mohammad did not comply with his orders to drop the knife he was holding. Instead Mohammad advanced at him still holding the knife. Officer Lopez said he feared for his personal safety, [REDACTED] safety and others in the area. He believed Mohammad had the present ability to attack them with the knife which could have caused great bodily injury or death. Officer Lopez said he fired his

service pistol at Mohammad in an effort to stop him. The first round struck Mohammad and had little effect on stopping him from advancing while still holding the knife in a menacing manner. Officer Lopez fired the second round from his duty pistol and Mohammad stopped and fell to the ground. Officer Lopez was aware of his backdrop and stopped firing after Mohammad went down.

In regards to UC Merced Police Department Policy # 310.4.1(b) *"Duties of Initial Officer/Supervisor on Scene- Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals."*

Detective Kelly asked Officer Lopez what he did after he shot Mohammad. Officer Lopez stated he notified UC Merced Police Dispatch immediately via his police radio that shots had been fired the suspect (Mohammad) was in custody and he needed "Riggs Code Three." He explained Riggs is the contracted paramedic and ambulance service for Merced County. He said dispatch advised the paramedics and ambulance were enroute. He said he and [REDACTED] kept other students and staff away from their location on the bridge and ensured other responding units attended to the stabbing victims.

Officer Lopez was asked if he was carrying his department issued Sig Sauer Model 226 .40 pistol during the incident. He said he was. He said the service pistol was loaded with department issued ammunition.

Ms. Petricca said she would provide a copy of the recorded interview Officer Lopez provided to Merced Sheriff's Department detectives. She wanted the questioning limited. Officer Lopez and Ms. Petricca agreed to participate in additional interviews, or provide written responses, if additional questions or clarification was needed to complete this administrative investigation.

(It should be noted that the information and responses Officer Lopez provided during the administrative interview were consistent with the information and responses he provided during his voluntary statement to Merced Sheriff's Department detectives.)

[REDACTED]

Date/ Time of Administrative Interview: November 5, 2015 1456 hours.

Location: UC Merced Police Department

Personnel present: [REDACTED], Ms. Christina Petricca of Mastagni Holsteadt Law Firm, Detective Jack Kelly- UC Berkeley Police Department and Lieutenant Kevin McNiff -UCSF Police Department

The interview was recorded via DAR. All rules and procedures pursuant to the California Peace Officers Bill of Rights were followed. Prior to the interview Ms. Petricca met with [REDACTED] in a secured private location for approximately

10 minutes. At the request of Ms. Petricca we provided a list of the general questions we planned to ask during the interview.

Ms. Petricca advised us [REDACTED] would be requesting a Lybarger Warning Admonition prior to the questioning. I read the Lybarger Admonition to him. (Copy attached).

[REDACTED] advised us that he assigned to be Officer Lopez's field training officer at the time of the incident. He advised us that he was in plain clothes as per the "shadow" phase of field training. He advised that Officer Lopez was on his final day of field training. He stated that he was working on an alarm at the Kolligan library. He stated that shortly after working on the alarms, emergency traffic was transmitted regarding a suspect responsible for a stabbing. He also stated that the suspect was observed by both Officer Lopez and himself running west on Scholars Lane. He said that they both gave chase on foot and advised dispatch of their observations. He stated that when they caught up with the suspect on the bridge, the suspect advanced towards both officers. [REDACTED] stated that he observed a large knife in the suspects hand and feared for his and Officer Lopez's safety. [REDACTED] stated that he did not have his departmental issued firearm on his person. He stated that Lopez fired his weapon two times, causing the suspect to fall to the ground. He also stated that he was unable to broadcast on his radio but did hear Lopez notify dispatch of the incident and requested medical assistance for the suspect. He believed his transmission was "covered" by the radio transmission of Officer Lopez.

[REDACTED] said he handcuffed Mohammad and checked for vital signs (breathing and a pulse) with negative results. He stayed with Officer Lopez on the bridge. He called Sergeant George Gongora using his cellular phone and told Sergeant Gongora about the shooting/stabbing. [REDACTED] said he requested that Sergeant Gongora immediately respond to the campus.

Detective Kelly asked [REDACTED] about not having his firearm on his person during this incident. [REDACTED] said he had reported for work prior to the beginning of his shift. He was in the office and dispatch advised the alarm was going off. He had worked on resolving the malfunctioning alarm the day before and knew as a result several doors would be locked. He decided to drive a patrol car up to the library and try to reset the alarm himself. He said his pistol and safety equipment were in a duffle type bag. He placed the bag and his pistol in the trunk of the patrol car because he suspected the alarm was false and malfunctioning again.

At approximately 0700 hours, he met up with Officer Lopez at the station. Dispatch advised him the alarm was going off again in the library. He and Officer Lopez responded. He did not retrieve his pistol from the trunk and they responded. When the call of the stabbing came out over the radio he did not have time to retrieve his pistol from the trunk.

██████████ and Ms. Petricca agreed to participate in additional interviews, or provide written responses, if additional questions or clarification was needed to complete this administrative investigation.

(It should be noted that the information and responses ██████████ provided during the administrative interview were consistent with the information and responses he provided during his voluntary statement to Merced Sheriff's Department detectives.)

Findings

The Merced County Sheriff's Report # 2015-0038655 included witness statements and forensic evidence which supports Officer Lopez discharging his weapon at Mohammad in defense of his life. There is nothing to contradict the officers' statements regarding what they saw and did relating to this incident.

The UC Merced Police Department dispatch records and recordings are consistent with the officers' statements and actions.

At this point, I believe that Officer Lopez was in compliance with the UC Merced Department of Public Safety- Department Policies captioned below. Officer Lopez used deadly force to affect the arrest of a dangerous felon and protect his and others' lives.

UC Merced Department of Public Safety Policy Manual, Policy # 300 Use Of Force and all subsections contained within. (*In Compliance*)

UC Merced Department of Public Safety Policy Manual, Policy # 302 Deadly Force Review and all subsections contained within. (*In Compliance*)

UC Merced Department of Public Safety Policy Manual, Policy # 306 Handcuffing and Restraints and all subsections contained within. (*In Compliance*)

UC Merced Department of Public Safety Policy Manual, Policy # 310 Officer Involved Shootings and Deaths and all subsections contained within. (*In Compliance*)

UC Merced Department of Public Safety Policy Manual, Policy # 312 Firearms and all subsections contained within. (*In Compliance*)

Merced County District Attorney's Office Findings

On December 2, 2015 Merced County District Attorney Larry D. Morse II sent a letter to Chief Albert Vasquez. The letter contained the findings regarding the criminal investigation conducted by the Merced County District Attorney's office, Merced County Sheriff's Department, Merced County Coroners' Office and UC Merced Police Department.

District Attorney Larry D. Morse concluded Officer Olaf Lopez was justified in his actions and there are no anticipated further actions by his office.

Officer Lopez was determined to have been justified in the officer involved shooting of Suspect Fasil Mohammad.

Attachments

UC Merced Police Department CAD Records/ Recordings

Merced County Sheriff's Department Incident Report # 2015-0038655

Merced County Coroner's Office Report # 15-38672

Toxicology Report from Central Valley Toxicology Inc. Report of Mohammad's Drug Screen.

Audiotaped recordings of Officers Lopez and [REDACTED] interviews, conducted by the Merced County Sheriff's Homicide Unit.

Audiotaped recordings of Officers Lopez and [REDACTED] interviews, conducted by Detective Kelly and Lt. Kevin McNiff.

UC Merced Department of Public Safety Policy Manual, Policy # 300 **Use Of Force** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 302 **Deadly Force Review** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 306 **Handcuffing and Restraints** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 310 **Officer Involved Shootings and Deaths** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 312 **Firearms** and all subsections contained within.

December 2, 2015 Letter from Merced County District Attorney Larry Morse II, to Chief Vasquez.

Memorandum received from Officer Brandon Thomas, UC Merced Police Department. Firearms records for Officer Olaf Lopez. Firearms qualification report dated 9-14-15.